

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2714**

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**Introduced by Assembly Member Torrico**

February 24, 2006

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An act to add Section 12317 to the Penal Code, relating to ammunition.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2714, as amended, Torrico. Ammunition.

Existing law generally regulates the sale of ammunition.

This bill would provide, subject to exceptions, that no ammunition or reloaded ammunition may be delivered pursuant to a retail transaction unless the purchaser personally presents bona fide evidence of his or her identity and age, as specified, to the seller of the ammunition *and that the delivery container contain specified language*. Violation of these provisions would be an offense punishable by imprisonment in a county jail for a term not to exceed 6 months, or by a fine not to exceed \$1,000, or by both imprisonment and that fine, with increased penalties for 2nd or subsequent violations.

*The bill would provide that it does not apply to ammunition or reloaded ammunition that is rimfire ammunition.*

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12317 is added to the Penal Code, to  
2 read:

3 12317. (a) No ammunition or reloaded ammunition designed  
4 and intended to be used in a handgun may be delivered pursuant  
5 to a retail transaction unless the purchaser presents in person his  
6 or her bona fide evidence of majority and identity to the seller of  
7 the ammunition. *A seller of ammunition may comply with this*  
8 *section by requiring a carrier to obtain the signature of the*  
9 *purchaser and view bona fide evidence of identity and that the*  
10 *purchaser is 21 years of age or older before delivering handgun*  
11 *ammunition shipped to an individual within this state. The*  
12 *container being delivered must have the following language, in*  
13 *at least 14 point type, conspicuously placed on it, stating:*  
14 *“SIGNATURE AND BONA FIDE EVIDENCE OF IDENTITY*  
15 *OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR*  
16 *DELIVERY.”*

17 (b) Any person, corporation, or dealer who delivers  
18 ammunition or reloaded ammunition designed and intended to be  
19 used in a handgun in violation of this section shall be punishable  
20 by imprisonment in a county jail for a term not to exceed six  
21 months, or by a fine not to exceed one thousand dollars (\$1,000),  
22 or by both imprisonment and that fine.

23 (c) A second or subsequent violation of this section is  
24 punishable by imprisonment in a county jail not to exceed one  
25 year, by a fine not to exceed two thousand dollars (\$2,000), or by  
26 both imprisonment and that fine.

(d) (1) “Bona fide evidence of majority and identity” means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(2) “Handgun ammunition” means handgun ammunition as defined in subdivision (a) of Section 12323.

(e) Subdivision (a) shall not apply to or affect the deliveries, transfers, or sales of handgun ammunition to any of the following:

(1) Authorized law enforcement representatives of cities, counties, cities and counties, or state and federal governments for exclusive use by those government agencies if, prior to the delivery, transfer, or sale of, written authorization from the head of the agency employing the purchaser or transferee, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual.

(2) Sworn peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who are authorized to carry a firearm in the course and scope of their duties.

(3) Ammunition or reloaded ammunition that is rimfire ammunition ~~may be sold to a person who does not present in person bona fide evidence of majority and identity.~~ *is exempt from this section.*

(f) Nothing in this section shall be construed to prevent a local government from regulating ammunition sales in a manner that is more strict than that specified herein.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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